

Patent Application Serial No. 09/868,090
Response to Office Action Dated March 26, 2003
Response Date June 26, 2003

Remarks/Arguments

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claims 33, 34 and 35 under 35 U.S.C. 112 second paragraph.

Claims 33, 34 and 35 have been amended to overcome this rejection.

The Examiner has rejected claims 1-3 (21-23) 25, 26, and 35 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,007,843 to *Lubbers*.

The applicant respectfully traverses this rejection.

Claim 21 includes the following step:

(b) depositing the load on said vertical conveyor via a lifting/pushing device on said transport device;

Patent Application Serial No. 09/868,090
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This above step is not shown in Lubbers. Instead, in Lubbers, as disclosed in column 5 lines 8-16, the transfer vehicles are actually received by the vertical lift rather than lifting and depositing a load onto the vertical lift as described in the above cited step in claim 21.

This difference is significant, because in Lubbers, the vertical conveying system actually carries the transport devices up to different levels wherein they then move on tracks in these different levels. With the present invention as claimed in claim 21, the transport devices only slide in the rows and pick up loads from the vertical conveyors which are arranged on a front side of the racks so that the loads disposed on the vertical conveyor can be treated in a similar manner as those loads on the rack.

In *Lubbers*, to receive the transport device the vertical conveyor must be positioned not in front of a target rack bay, but in front of an aisle for a transport device so that the vertical conveyor can receive and lift a transport device.

Patent Application Serial No. 09/868,090
Response to Office Action Dated March 26, 2003
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In contrast with *Lubbers*, the present invention as claimed in claim 21 positions the vertical conveyor in front of a target rack bay as shown in the following step:

(c) transporting the load in a first vertical direction via said vertical conveyor up said front end of said target rack bay to a target rack level;

Therefore, the applicant believes that claim 21 is patentable over the above cited reference. In addition, the applicant believes that dependent claims 22 and 23 which depend from claim 21, which is now considered to be allowable, are also patentable in view of the above cited reference.

With regard to independent claim 35, the vertical conveyors are disposed at the front ends of the rack bays so that the transport elements can move along the plurality of rack aisles to pick up the load in the vertical conveyor and move it along the rack aisles.

Thus, as stated above with this design, the load can then be treated and transported in all other respects as if it were

Patent Application Serial No. 09/868,090
Response to Office Action Dated March 26, 2003
Response Date June 26, 2003

already in the rack and would only have to be removed from the shelf of the rack or in this case from the vertical conveyor and transported along an aisle and deposited again in a desired location.

In contrast, Lubbers disposes the vertical conveyors in the rack aisles as stated above. Therefore, the applicant believes that claim 35, and dependent claims 25-29, 31 and 33-35 should be allowed in view of the above cited reference.

In addition, the Examiner has rejected claims 27, 28 and 31 as being unpatentable over *Lubbers* in view of U.S. Patent No. 4,428,708 to *Burt*.

The applicant believes that based upon the above arguments for patentability of independent claim 35, dependent claims 27, 28 and 31 should be allowed as well.

In addition, new claim 36 has been added. The applicant believes that new claim 36 which includes many of the steps of claim 21 should also be allowed. New claim 36 also includes the additional step of holding the remaining vertical conveyors in a

Patent Application Serial No. 09/868,090
Response to Office Action Dated March 26, 2003
Response Date June 26, 2003

waiting position so that these vertical conveyors do not interfere with the transport devices transporting any loads. This new step is supported and described in the specification on the bottom of page 18 and at the top of page 19. Thus the applicant believes that no new matter has been added.

Claims 21 and 33-35 have been amended. New claim 36 has been added. Because this response is after the final office action, a Request for Continued Examination is enclosed so that the amendments and the additional claim will be considered. Accordingly, the applicant respectfully requests early allowance of the remaining claims.

Patent Application Serial No. 09/868,090
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Respectfully submitted,

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Enclosure: Request for Continued Examination

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I hereby certify that this correspondence is being sent by
facsimile transmission to the U.S.P.T.O. to Patent Examiner C.
Fox, Group 3652 to 1-703-872-9327 on June 26, 2003.

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